IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5131 of 2005

Between:

K.Prasad, Proprietor of M/s.Sagar Wines,
5/430, Rebalavari Street, Stonehousepet, Nellore-2.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep., by its Principal Secretary, (Excise-III) Department, Secretariat Buildings, Hyderabad.
2 Commissioner of Prohibition & Excise, Andhra Pradesh J.N.Road, Nampally, Hyderabad
3 The Superintendent (Prohibition & Excise), Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or any other appropriate writ or order or direction more particularly in the nature of the writ of mandamus, declaring the action of the Superintendent (Prohibition & Excise), Nellore, respondent No.3 herein, in so far as not considering the petitioner's application for grant of IL-17 licence (Bar & Restaurant) as illegal and in violation of Article 14 and 19(1)(g) of the Constitution of India and direct the respondents to consider the petitioner's application and grant IL-17 licence and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.CHAKRAPANI

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner seeks to declare the action of the third respondent in not considering his application for grant of IL-17 licence for establishment of Bar and Restaurant as illegal and arbitrary.

When this matter is taken up for hearing, learned counsel for the petitioner brought to the notice of the Court that the matter is squarely covered by the order of this Court in W.P. No. 3110 of 2005, where the facts and circumstances are identical to the present one, this Court directed the respondents therein to consider the representation submitted by the petitioner therein and dispose of the same in accordance with law, after assigning reasons and communicate a copy of the same to the petitioner within two weeks from the date of receipt of a copy of the order.

In that view of the matter, this writ petition is also disposed of with a direction to the respondents to consider the representation submitted by the petitioner for establishment of bar and restaurant and dispose of the same in accordance with law, after assigning reasons and communicate a copy of the same to the petitioner within

two weeks from the date of receipt of a copy of this order. No costs.

17-03-2005

Note:

Operative portion of the

Order may be given on

Wire at party's cost.

B/O

KVSN

To

1 Government of Andhra Pradesh, rep., by its Principal Secretary, (Excise-III) Department, Secretariat Buildings, Hyderabad.

2 Commissioner of Prohibition & Excise, Andhra Pradesh J.N.Road, Nampally, Hyderabad

3 The Superintendent (Prohibition & Excise), Nellore.

4 Two CCs to GP for Excise, High Court buildings, Hyderabad.

5 Two CD copies.